

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICOLLE WILSON,

Plaintiff,

v.

OPINION and ORDER

EAU CLAIRE CTY. SHERIFF, EAU CLAIRE CTY.
DIST. ATT'Y, CHIPPEWA CTY. SHERIFF, and
CHIPPEWA CTY. DIST. ATT'Y,

23-cv-565-jdp

Defendant.

Plaintiff Nicolle Wilson, a state prisoner, alleges that defendants have failed to act in response to her complaints that her ex-boyfriend domestically abused her and damaged her property. Because Wilson proceeds in forma pauperis, I must screen the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismiss any part of it that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks money damages from an immune defendant. I must accept Wilson's allegations as true and construe them generously, holding the complaint to a less stringent standard than one a lawyer drafts. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). I will dismiss the complaint for failure to state a claim and direct the clerk of court to record a strike under 28 U.S.C. § 1915(g).

Wilson faults defendants for failing to investigate her complaints against her ex, but she “does not have a constitutional right to have the police investigate h[er complaints] at all, still less to do so to h[er] level of satisfaction.” *See Rossi v. City of Chicago*, 790 F.3d 729, 735 (7th Cir. 2015). Wilson faults the district attorney-defendants for not charging her ex with a crime, but I lack the authority to order them to do that. *See Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106 (1984) (“[I]t is difficult to think of a greater intrusion on state sovereignty

than when a federal court instructs state officials on how to conform their conduct to state law.”); *Gardner v. Harvard Univ.*, No. 21-cv-503-wmc, 2023 WL 2163083, at *5 (W.D. Wis. Feb. 22, 2023) (“Gardner does not have a private right of action to sue in federal court for violations of federal criminal statutes, and I cannot initiate federal criminal proceedings.”). If Wilson seeks damages from the district attorney-defendants based on this failure, prosecutorial immunity bars this claim. *See Imbler v. Pachtman*, 424 U.S. 409, 430–31 (1976).

Because Wilson has failed to state a claim, I will not allow her to proceed on the complaint. The court of appeals has cautioned against dismissing a pro se plaintiff’s case without giving her a chance to amend the complaint. *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016). But dismissal with prejudice is appropriate in this case because it’s clear from Wilson’s allegations that she cannot obtain relief under § 1983 based on the conduct that she challenges. *See Bogie v. Rosenberg*, 705 F.3d 604, 608 (7th Cir. 2013).

ORDER

IT IS ORDERED that:

1. Plaintiff Nicolle Wilson’s complaint, *see* Dkt. 1 and Dkt. 3, is DISMISSED with prejudice for failure to state a claim.
2. The clerk of court is directed to record a strike under 28 U.S.C. § 1915(g), enter judgment, and send plaintiff copies of this order and the judgment.

Entered November 16, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge